(97)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, C.J.

Contempt Petition No. 25 of 2004

Petitioner: Pramod Jha, S/o Shri Kedar Nath Jha, Aged 50 years, resident of Maithil Para, Durg (C.G.).

Versus

Respondent: Chandrakant Uikey, Commissioner, Municipal Corporation, Durg (C.G.)

Present:

Shri Ajay Shrivastava, counsel for the petitioner.

Miss Sharmila Singhai, counsel for the respondent.

ORAL ORDER

(Passed on 8th March, 2007)

The complainant in this contempt petition was the writ petitioner in W.P. No. 3737 of 2003.

(2) This Court by its order dated 11-02-2004 has disposed of the writ petition and has issued certain directions to the first respondent, namely, Municipal Corporation, Durg. The directions issued by this Court read as under :

> "In the result, the petition of the petitioner is allowed. Respondent No.1 is directed to take the petitioner immediately on his duty and respondents are further directed to settle his dispute immediately for payment of his salary for the period commenced from 17th September, 2003 onwards within a period of 15 days from today after giving full opportunity to the petitioner."

(3) Alleging that the respondent has disobeyed the orders and directions issued by this Court on 11-02-2004 while disposing of W.P. No.3737/2003, the petitioner has filed this contempt petition under Section 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India, requesting this Court to initiate contempt proceedings against the respondent and to punish him for the so called wilful and deliberate disobedience of the orders and directions issued by this Court.

(4) Notice of the contempt petition was issued and served on the respondent. The respondent has entered his appearance through the learned counsel and has also filed return. In that, the respondent has stated that immediately after passing of the order dated 11-02-2004 in W.P. No.3737/2003, he has taken back the petitioner on duty and so far as the settlement of salary due to the petitioner from 17-09-2003 is concerned, he has stated that he has asked the petitioner to produce a particular certificate.

(5) Learned counsel appearing for the petitioner would inform that immediately after receipt of a letter from the respondent, the petitioner replied the same that he would not be in a position to submit the said certificate to the respondent.

(6) So far as first portion of the order dated 11-02-2004 is concerned, the respondent has complied with the same. So far as second portion of the order is concerned, the respondent has issued a letter to the petitioner asking him to produce a particular certificate. The petitioner pleads his inability to produce the said certificate.

(7) It is now for the respondent to pass an appropriate order whether the request of the petitioner for settlement of his salary for the period commenced from 17-09-2003 can be settled or not in absence of the certificate that he has asked to be produced by the petitioner. Since that has not been done, the respondent is directed to dispose of the dispute with regard to the salary of the petitioner as early as possible within a month's time from today.

(8) Accordingly, the contempt petition is disposed of. Ordered accordingly.

(9) Consequently, I.A. No.1166 of 2004 stands disposed of.

Sd/-
Chief Justice